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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,249	06/13/2001	Kaoru Suzuki	43701.00034	6667

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EXAMINER

SONG, HOSUK

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,249

Applicant(s)

SUZUKI ET AL.

Examiner

HOSUK SONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 15, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1 Claims 1,8-12,15-19,24-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Atick et al(US 6,111,517).

In claims 1,15,17,29,38,39, Atick discloses biometric authentication system where the user is continuously recognized by input image in(col.2,lines 49-54). Atick teaches if the person is verified as an authorized user the user is registered and allowed to use the service in (col.3,lines 49-53). Atick discloses decision means for deciding that the user is not under a situation to use the service in case the user is not recognized in the input image in (col.3,lines 67;col.4,lines 1-2). Atick disclose infringement situation decision means for deciding that a security of the service use area is infringed in case at least one person other than the authorized user is recognized in the input image in (col.2,lines 31-37). Atick teaches supplying a service to the authorized user and controlling a supply of the service to unauthorized user in (col.2,lines 38-41,49-54). Note that Atick specifically disclose monitoring the surrounding area in (col.8,lines 8-16).

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In claim 18, Atick disclose service control unit interrupts the supply of the service when the user is not recognized in the input image in (col.3,lines 60-67;col.4,lines 1-2).

In claim 19, Atick disclose service control unit interrupts the supply of the service when the person other than the authorized user is recognized in the input images in (col.13,lines 29-32).

In claims 8,9,24,25, Atick does not disclose service control sending a warning to the user when infringement situation decision decides the security of the service compromised in (col.11,lines 1-9).

In claims 26,27, Atick disclose service control unit controls the supply of the service in accordance with a security degree preset to each kind of the service in (col.6,lines 20-25).

In claims 10,11,12,28, Matchett teach security degrees preset and detecting movement of the visual line or a direction of the face of the user and controls the supply of the service in accordance with the movement of the visual line or the direction of the face of the user in (col.4,lines 40-65).

As per claim 16, claim 16 is same as claims 1,15. The only difference is that claim 16 is directed to a computer readable memory containing computer-readable instructions to supply a service to a user in a service user area surrounding the user instead of apparatus and method described in claims 1,15. Computer readable memory and computer instruction code are disclosed in Atick in (col.3,lines 49-60).

In claims 30-37,see claims 1,10,16,18-19,27 above.

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Claim Rejections - 35 USC § 103

2 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3 Claims 2-7,13-14,20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atick et al(US 6,111,517).

In claims 2,3, Atick does not explicitly teach service control means finishes the supply of the service in case the use situation decision means decides the user is not under the situation to use the service. However, Matchett disclose service reject/accept and authentication establishment between the user and the system in (col.13,lines 23-33). Therefore, it would have been obvious to person of ordinary skill in the art at the time invention was made to realize the Atick's service reject/accept request establishment and discards as being the service interrupting and finishing as claimed by applicant. Controlling service allows security service information to be forwarded to authorized user only.

In claims 4,5,20,21, Matchett does not explicitly teach service control means finishes the supply of the service in case the use situation decision means decides the user is not under the situation to use the service. However, Matchett disclose service reject/accept and authentication establishment between the user and the system in (col.13,lines 23-33). Therefore, it would have been obvious to person of ordinary skill in the art at the time invention was made to realize the

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Matchett's service reject/accept request establishment and discards as being the service interrupting and finishing as claimed by applicant. Controlling service allows security service information to be forwarded to authorized user only.

In claims 6,7,22,23, Matchett does not specifically disclose wherein person discrimination means recognizes the user by referring to a person comparison dictionary to recognize persons allowed to use the service. However, Matchett disclose user's identifying data such as face recognition is stored in system's database in (col.3,lines 1-7, 40-60;col.5,lines 24-30). Therefore it would have been obvious to person of ordinary skill in the art at the time the invention was made to realize that Atick security data as being the dictionary as applicant claimed. The examiner asserts that Atick security information would have included dictionary feature since the security information are stored in database or dictionary or information retrieval system to allow user's data to be accessed,compared prior to issue authorized permission to use the system. See col.6,lines 1-13.

In claims 13,14, Atick discloses biometric authentication system where the user is continuously recognized by input image in(col.2,lines 19-2038-41). Atick teaches if the person is verified as an authorized user the user is registered and allowed to use the service in (col.2,lines 38-44). Atick discloses decision means for deciding that the user is not under a situation to use the service in case the user is not recognized in the input image in (col.2,lines 49-54).Atick disclose infringement situation decision means for deciding that a security of the service use area is infringed in case at least one person other than the authorized user is recognized in the input

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image in (col.2,lines 31-37). Atick teaches supplying a service to the authorized user and controlling a supply of the service to unauthorized user in (col.9,lines 16-24). Atick does not explicitly teach service control means finishes the supply of the service in case the use situation decision means decides the user is not under the situation to use the service. However, Atick disclose service reject/accept and authentication establishment between the user and the system in (col.13,lines 23-33). Therefore, it would have been obvious to person of ordinary skill in the art at the time invention was made to realize the Atick's service reject/accept request establishment and discards as being the service interrupting and finishing as claimed by applicant. Controlling service allows security service information to be forwarded to authorized user only.

Response to Amendment

4 Claims 1-39 was rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251 because the original oath/declaration failed to identify at least one error to support the reissue application. In response, a supplemental re-issue application declaration is provided by the applicant to overcome the rejection. Rejection to the original reissue/declaration is withdrawn.

5. Newly submitted claims 17-39 with the original reissue were not examined because of informalities. Applicant resubmitted copy of original patent specification as required by 37 CFR 1.173(b)(2). In addition, applicant submitted separate sheet indicating the status of all claims. Objections to the new claims 17-39 and specification is withdrawn.

6. Claims 1-39 are pending. The previous grounds of rejection based on the Matchett patent is withdrawn in view of Applicant's arguments in the Amendment filed 5/15/03. However, newly

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discovered prior art has necessitated new grounds of rejection. The new grounds of rejection are presented above. The delay in citation of the newly discovered prior art is regretted.

Conclusion

7. An inquiry concerning this communication should be directed to Hosuk Song whose telephone number is (703)305-0042. The examiner can normally be reached on Tues-Fri from 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ayaz Sheikh can be reached on (703)305-9648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

Ayaz Sheikh

Gail Hayes
GAIL HAYES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY